

CC 96-98

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January 21, 1997

JAN 21 1997

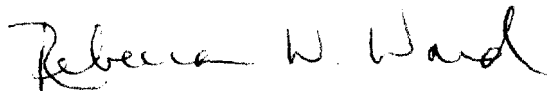
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
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Office of the Secretary:

The enclosed 3.5 diskette is in compliance with requirements stated in the Public Notice, DA 96-2179, released December 23, 1996. The 3.5 diskette, formatted in Word Perfect 5.1 in read only mode, contains the Reply to Oppositions filed by U S WEST today in CC 96-98/CCB Pol. 96-25.

Should you have any questions, please call me at the above number.

Sincerely,



Rebecca W. Ward

Enclosure

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JAN 21 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	
)	
Interconnection between Local Exchange)	CC Docket No. 95-185
Carriers and Commercial Mobile Radio)	
Service Providers)	CCBPol 96-25

REPLY TO OPPOSITIONS

U S WEST Communications, Inc. ("U S WEST") hereby replies to oppositions to its request for waiver of the Federal Communications Commission's ("Commission") requirements established in the First Report and Order¹ that incumbent local exchange carriers ("LEC") have electronic interfaces to certain operational support systems ("OSS") by January 1, 1997.² In this Reply and attached Affidavit of Robert H. Van Fossen, U S WEST demonstrates that there is good cause for granting a waiver of the January 1, 1997 requirement and for finding

¹ In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, CC Docket Nos. 96-98 and 95-185, First Report and Order, FCC 96-325, rel. Aug. 8, 1996 (or "Order" or "Interconnection Order").

² See U S WEST's Petition for Waiver, filed herein Dec. 11, 1996. See also Public Notice, Pleading Cycle Established for Comments on U S WEST's Petition for Waiver of Operation Support Systems Implementation Requirements, DA 96-2179, rel. Dec. 23, 1996.

that U S WEST's plan complies with the Commission's OSS electronic access requirements.

I. INTRODUCTION AND SUMMARY

Five parties filed oppositions to U S WEST's Petition for Waiver.³ These oppositions were not unexpected given the contentious nature of many of the regulatory proceedings associated with implementing the 1996 Telecommunications Act.⁴ Among other things, opponents criticize U S WEST for failing to anticipate the provisions of the Commission's Order⁵ and for not accommodating their individual desires in negotiation sessions at the state level.⁶ In this Reply and

³ Oppositions were filed on January 10, 1997 by: AT&T Corp. ("AT&T"); MCI Telecommunications Corporation ("MCI") (MCI filed an Opposition on Dec. 23, 1996 and Supplemental Comments on Jan. 10, 1997); ICG Communications, Inc. ("ICG"); Telecommunications Resellers Association ("TRA"); and American Communications Services, Inc. ("ACSI").

⁴ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) ("Act").

⁵ For example, ICG states "What USWC does not assert is that it would have been impossible to comply had USWC begun to engage in a diligent effort to comply and to plan for electronic interfaces to its OSSs, even on a contingent basis, when the possibility of such a requirement began to be publicly discussed." ICG at 3 (emphasis in original). This type of rhetoric is nonsense and is irrelevant to the merits of the instant waiver. ICG ignores the fact that U S WEST is not asking for a waiver of the Commission's underlying electronic access requirements but for a waiver of the incredibly short period of time within which to comply with these requirements. Contrary to the assertion of ICG, U S WEST did anticipate some type of electronic access requirement -- what U S WEST did not anticipate is that the Commission would adopt a requirement that such access be up and running in less than five months.

⁶ AT&T's arguments, although more sophisticated, mirror those of ICG. AT&T's basic argument in opposing U S WEST's waiver is that U S WEST would not need a waiver if it had met AT&T's individual requirements in state negotiations. This faulty logic leads AT&T to the conclusion that U S WEST's inability to meet the Commission's January 1, 1997 requirement is "of its own making." AT&T at 11-12. As with ICG, AT&T ignores the fact that U S WEST was not subject to any specific

Mr. Van Fossen's attached Affidavit, U S WEST responds to specific allegations concerning its efforts to comply with the Commission's electronic access requirements contained in the First Report and Order rather than opponents' claims as to what U S WEST should have been doing in anticipation of the Order.

Opponents provide no evidence of bad faith on U S WEST's part nor can they -- other than the bald assertion that U S WEST's inability to fully satisfy the January 1, 1997 requirement is sufficient reason to apply sanctions.⁷ U S WEST has demonstrated that it has made a good faith effort to comply and there is good cause for the Commission to grant U S WEST's request for waiver of the January 1, 1997 electronic access requirement.⁸

II. THERE IS "GOOD CAUSE" FOR THE COMMISSION TO GRANT U S WEST'S WAIVER REQUEST

Contrary to the assertions of opponents, U S WEST has shown that its particular circumstances justify the grant of a waiver of the January 1, 1997

electronic access requirements until after the Commission issued its Interconnection Order. Furthermore, AT&T's claim that "U S West refused even to negotiate with CLECs who sought more than the minimal OSS access U S West was willing to concede was necessary" (AT&T at 2) is patently false. As Mr. Van Fossen points out in his Affidavit, AT&T and U S WEST have been involved in extensive negotiations concerning how U S WEST can best satisfy AT&T's particular OSS access needs.

⁷ See TRA at 8; ICG at 2.

⁸ ICG and TRA basically assert that U S WEST's Petition is a petition for reconsideration rather than a petition for waiver. (ICG at 5, n.5; TRA at 1) There is no merit to this assertion. U S WEST is not requesting modification in the Commission's general rules which would apply to all affected parties -- it is requesting a waiver based on its own special circumstances under Section 1.3 of the Commission's Rules.

requirement.⁹ Mr. Van Fossen's initial Affidavit, which accompanied the waiver request, contains extensive detail on U S WEST's efforts to comply with the Commission's OSS requirements along with a discussion of the software/network architecture that is being employed and a deployment schedule for electronic access to different OSS functionality. U S WEST is not challenging the validity of the Commission's electronic access requirement in its waiver -- it is only requesting more time with which to comply with this requirement.

Section 1.3 of the Commission's Rules allows the Commission to grant waivers for "good cause." U S WEST agrees with those opponents who cite WAIT Radio v. FCC and Northeast Cellular Telephone Co., L.P. v. FCC as establishing the standards for evaluating waivers of Commission Rules.¹⁰ These standards can be summarized as follows:

- It is not necessary to attack the validity of the general rule since a waiver request assumes that the general rule is valid.¹¹
- While the Commission must give meaningful consideration to waivers, it need not tolerate "evisceration" of a rule by waivers.¹²
- A "waiver is appropriate only if the special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."¹³

⁹ See ICG at 2. Clearly, there is no basis for ICG's assertion that a grant of U S WEST's waiver Petition would "eviscerate" the Commission's electronic access requirement. Id. at 5. Also see ACSI at 6.

¹⁰ ICG at 2; AT&T at 11. See also Wait Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969); Northeast Cellular Telephone Company v. FCC, 897 F.2d 1164 (D.C. Cir. 1990).

¹¹ See WAIT Radio at 1158.

¹² See id. at 1159.

¹³ Northeast Cellular at 1166.

U S WEST believes that its waiver request fully satisfies the above criteria and that a waiver would be in the public interest. U S WEST has demonstrated that its special circumstances justify a waiver.¹⁴ A grant of U S WEST's waiver request will in no way undercut the Commission's general rule that electronic access be made available to competitive LECs -- it will only allow U S WEST additional time to comply with the general rule.

U S WEST has demonstrated that it has made a good faith effort to comply with the Commission's electronic access requirements within the allotted, but very short, time frame and that it is impossible to do so. The Commission has previously held that a showing of impossibility of complying with an order constitutes "good cause" sufficient to waive or suspend the requirements of an order and should do so in this case.¹⁵

III. U S WEST REQUIRES A WAIVER DUE TO A LACK OF TIME, NOT DUE TO INSUFFICIENT NATIONAL STANDARDS

¹⁴ Opponents provide no evidence as to how U S WEST could have met the Commission's complex electronic access requirements within the short time period between August 8, 1996 and January 1, 1997 -- other than to assert that U S WEST should have begun development prior to the adoption of the rules that are the subject of this waiver request. The fact that other incumbent LECs were developing electronic access to OSS in response to state mandates prior to the issuance of the Commission's Order is not relevant to the question of whether U S WEST has made a good faith effort to comply with the Commission's Rules.

¹⁵ See, e.g., In the Matter of Provision of Access for 800 Service, Order, 7 FCC Rcd. 5019, 5021-22 ¶¶ 13-18 (1992); In the Matter of Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, Order, 8 FCC Rcd. 8385, 8386 ¶¶ 6-7 (1993).

Opponents make much of U S WEST's comments on the status of national standards for electronic interfaces to LEC OSS.¹⁶ As Mr. Van Fossen points out in his attached Affidavit, U S WEST is well aware of the status of national standards activities and has been an active participant in these activities. Mr. Van Fossen also states, contrary to MCI's claims,¹⁷ that U S WEST's Mediation Gateway was developed in accordance with the most current "draft" national standards available at the time U S WEST commenced its development efforts and that U S WEST continues to "true-up" its Gateway development efforts as national standards are finalized.¹⁸

While the availability of clear-cut national standards and product definitions as of August 8, 1996, would have accelerated U S WEST's software development efforts, U S WEST, in all likelihood, would have still found it necessary to file a waiver. U S WEST's waiver request is the result of insufficient time to develop the necessary interfaces. As Mr. Van Fossen pointed out in his original Affidavit and reiterates in the attached Affidavit, the development of electronic interfaces to the required OSSs is a very complex time-consuming work effort.¹⁹ U S WEST's claim of impossibility is based on the lack of time -- not the insufficiency of national standards.²⁰

¹⁶ See, e.g., AT&T at 7-8; MCI at 4-5.

¹⁷ MCI at 6, 9.

¹⁸ Van Fossen Affidavit at 4.

¹⁹ Id.

²⁰ MCI wants to have it both ways -- criticizing U S WEST for not complying with national standards that have been developed since the release of the Commission's

IV. U S WEST COULD NOT SIMULTANEOUSLY DEVELOP ELECTRONIC ACCESS TO POTS AND DESIGN SERVICES PRIOR TO JANUARY 1, 1997

TRA and ICG²¹ criticize U S WEST for failing to provide electronic access to design services by January 1, 1997. U S WEST has demonstrated in its waiver Petition that it was unable to satisfy the January 1, 1997 access requirement for both POTS and design services. U S WEST decided to devote its efforts to developing access to those services -- POTS -- where it anticipated the greatest initial demand for resale.²² From this foundation, U S WEST has proceeded to develop electronic access to design services -- a much more complex task. U S WEST continues to believe that its decision to concentrate first on providing electronic access to POTS services was the correct decision.

V. U S WEST ACKNOWLEDGES THAT ACCESS TO PRE-ORDERING AND ORDERING FOR POTS SERVICES REQUIRE A LIMITED AMOUNT OF MANUAL INTERVENTION

Both in its waiver Petition and in Mr. Van Fossen's attached Affidavit, U S WEST acknowledges that a limited amount of manual intervention will be required for a limited period of time.²³ Despite this, U S WEST believes that the

Order while at the same time asserting that the lack of national standards is not a justifiable reason for failing to comply with the January 1, 1997 requirement for electronic access. (MCI at 4-5; Edgerly Affidavit generally) AT&T, being slightly more consistent than MCI, argues that the lack of national standards is not a reason for failing to meet the January 1, 1997 date. (AT&T at 7-8). While U S WEST differs with AT&T and MCI on the status of national standards as Mr. Van Fossen notes in his Affidavit, U S WEST will not debate the point since it is not the basis of U S WEST's waiver request.

²¹ ICG at 7; TRA at 5.

²² See Van Fossen Dec. 10, 1996 Affidavit at 6.

²³ Id.

access provided to POTS services is “substantially similar” to that which U S WEST provides to itself. Development is underway to eliminate manual intervention at the earliest possible date.²⁴

If the Commission determines that U S WEST’s access to POTS services does not satisfy the requirements of the First Report and Order, U S WEST requests that the Commission also grant a waiver of any such requirements.

VI. AT&T PROVIDES A VERY SELF-SERVING ONE-SIDED VIEW OF STATE ARBITRATION DECISIONS

U S WEST does not deny that some state arbitration decisions on OSS access have not been to U S WEST’s liking. Conversely, U S WEST has been pleased with the outcomes in other arbitration decisions. No purpose would be served by U S WEST citing “favorable language” in these arbitration decisions to counter AT&T’s selected quotes which portray U S WEST in a bad light. U S WEST has provided sufficient information in its waiver Petition to demonstrate that it has made a good faith effort to meet the Commission’s electronic access requirements and has made significant progress towards this goal.

VII. NO PURPOSE WOULD BE SERVED IN REQUIRING U S WEST TO FILE PROGRESS REPORTS

AT&T and MCI urge the Commission to require regular reports on the status of U S WEST’s implementation efforts.²⁵ U S WEST opposes such a requirement. U S WEST has provided a detailed deployment schedule in its waiver request. No

²⁴ Van Fossen Affidavit at 8.

²⁵ AT&T at 12; MCI at 9.

comment. U S WEST is committed to meeting its deployment schedule and another reporting requirement will only detract from this effort.

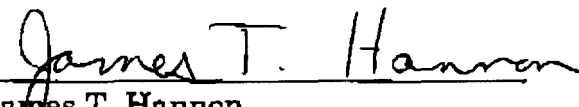
VIII. CONCLUSION

U S WEST has demonstrated that there is good cause for the Commission to grant a waiver of its electronic access requirements. A waiver would serve the public interest by allowing U S WEST additional time to comply with these requirements.

Respectfully submitted,

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January 21, 1997

²⁵ AT&T at 12; MCI at 9.

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

AFFIDAVIT OF ROBERT H. VAN FOSSEN

I, Robert H. Van Fossen, first being duly sworn, hereby state that the following information is true and correct to the best of my knowledge, information and belief.

1. I submit this Affidavit in response to oppositions to U S WEST Communications, Inc.'s, (USWC) Petition for Waiver which was filed on December 11, 1996. The arguments advanced by opponents neither represent an accurate depiction of current and future capabilities of U S WEST's Mediation Gateway, nor do they refute the key element of the USWC waiver request -- that the Gateway simply requires more development time than allowed in the Commission's First Report and Order.

Summary of Comments

2. In this Affidavit, I respond to comments contained in opposition filings of MCI Telecommunications Corporation (MCI),¹ ICG Communications, Inc. (ICG),² American Communications Services, Inc.

¹ MCI Opposition to U S WEST Communications Inc.'s Request for Waiver, December 23, 1996. Also, MCI Supplemental Comments, January 10, 1997.

² ICG Comments on U S WEST "Petition for Waiver" of January 1, 1997 Deadline for Providing Electronic Interfaces to Operations Support Systems, January 10, 1997.

(ACSI),³ Telecommunications Resellers Association (TRA),⁴ and AT&T Corp (AT&T).⁵ In the following paragraphs I discuss:

- the Ordering and Billing Forum (OBF) Specifications used by the Mediation Gateway,
- the reasons for and limits to manual effort required by the Gateway,
- the programming effort required to deliver the Commission's Order,
- OSS electronic interface negotiations, and
- the OSS Interface Specification produced by USWC.

Applicability of National Standards

3. MCI incorrectly claims that USWC's Mediation Gateway is not based on national standards.⁶ To the contrary, USWC's implementation of its Mediation Gateway is based on the August, 1996, drafts of the OBF specifications, published by Bellcore in the following Special Reports:

- SR STS-471071 Local Service Request Form Preparation Guide
- SR STS-471072 End User Information Form Preparation Guide
- SR STS-471076 Resale Services Form Preparation Guide
- SR STS-471102 Directory Listing Form Preparation Guide

This compliance is documented in USWC's Gateway Product Specification, where tables which define the ordering capabilities are based on these bulleted OBF standard forms. Furthermore, the tables also in the Product Specification, which define the trouble management transactions supported by the Gateway are similarly based on the EB/TA specification of the Electronic Communication Implementation Committee (ECIC).⁷ These are

³ ACSI Opposition to Petition For Waiver, January 10, 1997.

⁴ TRA Opposition of the Telecommunications Resellers Association, January 10, 1997.

⁵ ATT Opposition, January 10, 1997.

⁶ MCI Robert D. Edgerly Affidavit at ¶ 17.

⁷ ANSI T1.227-1995, Operations, Administration, Maintenance and Provisioning -- Extension to Generic Network Information Model for Interfaces between Operations Systems across Jurisdictional Boundaries to Support Fault Management and T1.228-1995, Operations, Administration, Maintenance and Provisioning Services for Interfaces between Operations

the only specifications listed in Attachment A of the MCI filing⁸ which are applicable to the POTS resale capabilities supported by the first release of the USWC Gateway. The remaining specifications listed in MCI's attachment are either advisory (*e.g.*, *SR STS-471070, Local Services Ordering Overview*), or only applicable to capabilities scheduled for subsequent releases of the USWC Gateway, such as support for unbundled elements (*e.g.*, *SR STS-471077, Port Services Form Preparation Guide*).

4. Given USWC's need to proceed with implementation of its Gateway prior to the final approval of the OBF in late October, and its completion of Bellcore documentation, USWC's design, development, and deployment work was based on drafts of those specifications which were available in August. USWC's forms may vary slightly from the final standards for a short period of time until development and testing of those changes can be completed. This "true-up" work is now in progress.

5. USWC agrees with MCI that there has been a significant amount of work completed in the standards committees to develop initial electronic interface specifications.⁹ USWC is and has been a full and active participant in this process. This ground-breaking effort has established the precedent for the kind of results that can be produced from the joint efforts of industry members. However, USWC stands by its assertion that there are still a significant number of open issues in the current versions of these specifications.¹⁰ Mr. Edgerly in his affidavit for MCI apparently agrees, indicating that "over 70 separate pre-ordering, ordering, and provisioning issues are currently being worked in the OBF Ordering & Provisioning Committee."¹¹ The OBF maintains a working set of open issues that have yet to be addressed within the current issue of the documents. Included as Attachment A is the list of issues identified as Open or Pending Closure for the upcoming February 3-7 meeting. These open issues range from large to small, important to nearly trivial (but requiring resolution nonetheless). For example, very little work has been done to date to address the specifications for Pre-ordering transactions. All of the churn and continued working of significant open issues in these forums has done little to accelerate the development required to meet the January 1, 1997 requirement.

Systems across Jurisdictional Boundaries to Support Fault Management, American National Standard for Telecommunications, 1995 issues.

⁸ MCI, Attachment A at 1-2.

⁹ MCI at 4.

¹⁰ Affidavit of Robert H. Van Fossen, December 10, 1996 ¶ 34.

¹¹ MCI Edgerly Affidavit ¶ 11.

6. USWC has made a firm commitment to the schedule of releases for the capabilities described in its initial waiver request. This schedule is not inextricably linked to progress in standards committees. This should address MCI's concern over delays associated with the standards process.¹² As with current OBF specifications, USWC will make use of every available draft specification for the Gateway interface specifications, and if the final versions of these specifications differ from the adopted draft(s), USWC will address true-up after the scheduled release.

7. USWC agrees that producing an OSS interface which is compliant with OBF specifications is technically feasible and, in fact, desirable for both USWC and CLECs. Interfaces based on these national standards should stimulate the development of standardized gateway products by third-party suppliers, thereby lowering the overall cost to the industry. However, electronic interfaces compliant with these specifications could not be produced by third-party suppliers in the short 20-week interval that existed between the August 8th release of the FCC First Order and Report and its January 1, 1997 deadline. Bellcore Special Reports (referenced in paragraph 5) published after the October 24th meeting of the OBF, fully 12 weeks into that 20-week interval, only contributed to the unfeasibility of producing such an interface in less than 9 weeks.

Need for Human Intervention

8. The USWC Gateway as described in the initial waiver request, does require some human intervention to translate the OBF-forms based order request into a USWC OSS-recognizable Service Order.¹³ Subsequent order confirmations and order status requests will be processed for a time by the same manual order entry personnel.¹⁴ However, all preordering and ordering transactions that are required for a CLEC to negotiate new installations or changes to existing service are fully automated and can be performed while the customer is on the phone. Thus, the customer experience for CLEC customer can be the same as that experienced by a USWC customer. Similarly, all repair transactions do not require manual intervention.

¹² "The Commission must not allow incumbent LECs to use delays in the standards process as an excuse to postpone new entrants' electronic access to OSS functions." MCI at 4.

¹³ Affidavit of Robert Van Fossen, December 10, 1996 ¶ 18.

¹⁴ USWC will be able to provide order confirmation and status electronically for orders submitted via the Mediation Gateway and subsequently manually entered by a USWC order writer no later than July, 1997.

9. The experience of a CLEC customer service representative should be similar to that of the USWC customer service representative with respect to error correction of service order entry. There are two classes of errors that can occur in this process: those which can be detected by the order entry system during the initial entry process and those which can only be detected later in the provisioning process by systems which are “down-stream” in the order flow from the order entry system. In the first case, order entry errors, such as individual data field validation errors, will be responded to by Mediation Gateway software in an equivalent manner to such errors in the USWC order entry system.¹⁵ Both CLECs and USWC will experience the same “real-time” response to a data entry error. The second class of errors is that detected by down-stream systems. In this case, both USWC and CLEC representatives will not receive an indication of an error, if at all, until minutes or in some cases hours after the initial order entry has been completed. Both experience a similar response from systems with respect to this class of error.¹⁶

10. MCI, AT&T, and other CLECs have made it clear that their principle need is a common, nationally-standard interface for all ILEC OSS interfaces. While this makes good sense from the perspective of a nationwide carrier, no USWC Operations Support System has an existing user interface based on any past or present OBF specification. Quite simply, therefore, a translation is required to satisfy nationwide carriers’ needs. In the case of the USWC Mediation Gateway, that translation from OBF forms to USWC service orders needs to be performed by an order entry person. USWC will, based on its own need to reduce the cost of this manual effort, continue to invest in the software development required to automate this translation. However, this is a complicated process that will not be accomplished in a few short months. The highest volume order types will be addressed first in priority, followed in order by the lower volume request types.

¹⁵ These validations are not identical because the forms for data entry are different. The CLEC sees the nationally standard OBF service request form, and the USWC representative sees the existing USWC service order form.

¹⁶ In fact, the CLEC representative may not perceive some of these errors. As long as there is a manual order entry person entering orders on behalf of the CLEC, that individual will be instructed to correct as many errors as possible within their existing knowledge of the service request, without passing that error back to the CLEC. This should be perceived by the CLEC as a lower error rate in their order entry processing.

11. MCI indicates that this manual effort would not have been required if USWC were to have followed the “industry approved systems architecture,” employing the EDI “Pre-translator.”¹⁷ This is both misleading and untrue. There simply is no industry approved systems architecture. No standards forum or committee, including OBF, EDI, T1M1, or ECIC, has produced a standards specification for a systems architecture relative to Local Exchange Telecommunications Services. In the case of a baselined, approved OBF form, there are two different translation steps required for this form to be converted into an on-line transaction capable of launching a service order. First, the form needs to be translated into an EDI transaction. Subsequently, this EDI transaction needs to be mapped into a USWC-specific service order. The “Pre-translator” is only relevant to the mapping into EDI transactions from OBF forms. It is not a universal translation function capable of mapping the EDI back into a USWC service order.

Programming Effort Required

12. It is important to note that opponents have not, directly challenged or refuted USWC’s claims on the time it would take an experienced development staff to create an interface which meets the FCC requirements. USWC’s waiver filing provides two reasons why additional time is needed. The principle reason is that the effort required to build this interface exceeds the available time between August 8th and January 1st. The status of standards development is a secondary issue. Standards delays only compound the difficulties and rework required in developing a gateway to satisfy the Commission’s requirements.

13. TRA, for example, asserts that development of the Mediation Gateway should be no different than other complex systems developments that USWC faces as a normal course of doing business.¹⁸ It is true that this request is similar to other paradoxical systems developments -- an extremely large number of systems capabilities requested to be developed in an incredibly short interval. The reasonable engineering response in both cases is to prioritize the capabilities that are absolutely necessary and attempt to re-negotiate the schedule on the remaining capabilities. This is the typical approach with internal developments and, in this regard, is quite similar to the Mediation Gateway. Nevertheless, the fact remains unchanged that the total amount of systems development effort required to deliver the total request exceeds the available schedule.

¹⁷ MCI Edgerly Affidavit ¶ 20.

¹⁸ TRA at 7.

14. Several questions have been raised about specific work which has been accomplished by USWC between the release of the FCC First Order in August and the delivery of the first release of the Mediation Gateway in January.¹⁹ Some of the major work efforts are as follows:

- 8/8 Issuance of FCC First Report and Order
- 8/13 Appointment of Senior Director position to lead efforts
- 8/19 Approval of strategy to meet OSS interconnection requirements
- 8/23 Vendor evaluation (high level) completed
- 9/1 Vendor selection completed
- 9/17 Completion of requirements for Mediation Gateway (internal)
- 10/7 First external release of Mediation Gateway specifications
- 11/25 Start of integration testing
- 12/9 Start of system testing
- 12/13 Second external release of Mediation Gateway specifications
- 12/16 Production hardware installation and test complete
- 12/23 Final installation of Mediation Gateway software (first release)
- 12/31 Internal demonstration of Gateway capabilities

Each of these items alone represents the completion (or in some cases the initiation) of a significant amount of work. For example, the completion of *production hardware installation and test complete* includes a wide range of activities: developing hardware configuration requirements; selecting the physical center location for the computing equipment; performing a site survey to determine environmental readiness; modifying the environment to accommodate any deficiencies found; ordering and installing all hardware components; ordering and installing all telecommunications links required to provide access to the hardware; modifying to the operations tools suite to add hardware to the existing centralized monitoring environment; and designing and successfully completing acceptance tests for the computing environment.

15. Furthermore, despite having employed an internal development team to create the first release of the Gateway, USWC is interested in working with a third-party suppliers to participate in the on-going enrichment of this interface, consistent with the evolution of standards. USWC has conducted a detailed evaluation of several vendors' capabilities based on a Request for Proposal dated November 15, 1996. This evaluation concluded that no external provider was capable of meeting USWC's development requirements and condensed schedule requirements at that time.

¹⁹ ICG at 4.

OSS Negotiations

16. USWC has continued to negotiate with interested CLECs on the specifics of systems interfaces outside the context of mediations and hearings. In fact, none of these negotiations has made as much progress as the one between USWC and AT&T. These negotiations are very close to fruition. Numerous discussions in the October - December 1996 timeframe have lead USWC to believe that the parties are very close to agreement. Thus, it was especially troublesome to find that AT&T is asserting that USWC has refused to negotiate.²⁰

17. Records of negotiation discussions on electronic interfaces between AT&T and USWC date back to June, 1996, and even before. Although the vision of what OSS interfaces would be required prior to the release of the FCC First Report was significantly different from what it is today, these discussions did involve negotiations on the capabilities of the interface, contrary to assertions made by AT&T.²¹ Interestingly enough, at that time USWC made a proposal to AT&T for an EDI-based solution for the exchange of orders. This proposal was soundly rejected on the basis of not constituting non-discriminatory access. It wasn't until late September in the Iowa hearings that the change of position for AT&T to support the OBF EDI directions was made public. By this point, the USWC's Mediation Gateway efforts had already been initiated in order to meet the rapidly approaching January 1 due date.

18. AT&T further contends that while USWC was rejecting product proposals it offered, that USWC did not respond in kind with product proposals compliant with the FCC First Order.²² In fact, USWC offered a fully compliant contract containing such product definitions in the first Iowa Mediation Hearing in September, and was required to continue to do so in the other hearings scheduled throughout the rest of 1996. Aside from AT&T being wrong, however, this point is not particularly applicable to the development of the systems interfaces. These product definitions did not establish any precedence before the release of the FCC First Report upon which to build the interface specifications. They were needed to begin the product definition process, but do not contain the level of detail required to obtain the completed State Commission regulatory approval referred to in the original USWC Affidavit.²³

²⁰ AT&T at 6.

²¹ Id. at 5.

²² Id. at 7.

²³ Affidavit of Robert Van Fossen, December 10, 1996 ¶ 10.

Disclosure of Interface Specifications

19. Contrary to assertions made by MCI,²⁴ ACSI,²⁵ and TRA²⁶ among others, USWC has produced documented specifications of its Mediation Gateway interface for Operations Support Systems electronic access. These documents have been released through our normal Open Network Architecture (ONA) disclosure process, and have been distributed to all of the designated contacts for each of the Competitive Local Exchange Carriers (CLEC) engaged in negotiations or meditations with USWC. Occasionally, these CLEC negotiation contacts will be in different parts of the organization from those who respond to these filings, which may account in part for some of the perceived discrepancy in the existence of these specifications. The document is entitled Product Specification for Mediated Access to Operation Support Systems for Resale for POTS Services by 1/1/97, Document Number T-12_99-006472-00.01, and was initially released October 7, 1996. A second version (00.02) of this document containing further details of USWC's interface was released December 9, 1996. This document is included as Attachment B to this Affidavit.

Conclusion

20. In its waiver filing, USWC established that the First Report and Order's requirement for electronic access to OSSs exceeds any regulatory mandate that USWC has ever faced, with an imposed implementation interval that USWC could not meet. Despite the short interval, USWC has made significant progress towards complying with the Commission's electronic access requirement.

21. USWC has demonstrated herein that the Mediation Gateway it implemented on January 1, 1997, is in fact based upon national standards developed in accordance with OBF specifications and documented by Bellcore in a series of Special Reports.


22. In order to comply with the Commission's mandates, USWC must be able to develop and deploy electronic access to OSSs in phases, moving through the access supported by the greatest aggregate CLEC carrier

²⁴ MCI at 8 and n.15.

²⁵ ACSI at 6.

²⁶ TRA at 5.

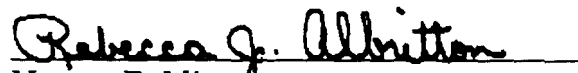
demand to that supported by the least demand. In 1997, USWC will continue with the development and implementation of a systems access architecture that provides electronic access functionalities to the greatest number of CLECs.²⁷ The currently-completed POTS OSS access work creates a baseline platform that will support additional capabilities, as well as accommodate the development and implementation of national standards required by the CLECs and acknowledged as desirable by the FCC in its Order.

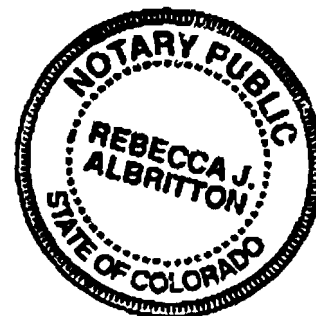

Robert H. Van Fossen

Subscribed and sworn to before me this 21st day of January 1997.
Witness my hand and official seal.

My Commission Expires:

June 17, 1998


Notary Public



²⁷ USWC has recently begun joint testing of the business processes and systems interfaces, using the first release of the Mediation Gateway, with the first CLEC to request to do so, Citizen's Telecomm.

ATTACHMENT A

OBF #57
O&P COMMITTEE
NEW ORLEANS, LA
FEBRUARY 3 - 5, 1997

MEETING SCHEDULE (PROPOSED)

MONDAY, FEBRUARY 3, 1997	10:00 AM	-	5:00 PM
JOINT ASR/O&P SESSION	10:00 AM	-	1:00 PM
O&P COMMITTEE SESSION	2:00 PM	-	5:00 PM
ACCESS ISSUES			
TUESDAY, FEBRUARY 4, 1997	10:00 AM	-	5:00 PM
ACCESS ISSUES			
WEDNESDAY, FEBRUARY 5, 1997	8:00 AM	-	5:00 PM
ACCESS/LOCAL ISSUES			
THURSDAY, FEBRUARY 6, 1997	8:00 AM	-	5:00 PM
LOCAL ISSUES			
FRIDAY, FEBRUARY 7, 1997	8:00 AM	-	12:00 NOON
LOCAL ISSUES			

PROPOSED AGENDA

JOINT ASR/O&P COMMITTEE

- WELCOME AND INTROS
- REVIEW OF ADMINISTRATIVE & LOGISTICS CONCERNS
- APPROVAL OF OBF #56 JOINT SESSION MEETING NOTES
- APPROVAL OF O&P/TOR COMMITTEES INTERIM MEETING NOTES
- TSG REPORT
- NEW ISSUE REVIEW, ACCEPTANCE, COMMITTEE
- ASSIGNMENT AND NOTATION OF TSG/EDI SOSC GROUP IMPACT
- DISCUSSION OF DIRECTORY AD HOC ACTIVITIES
- DISCUSSION OF EDI ACTIVITIES
- OPEN DISCUSSION

O&P COMMITTEE SESSION

- WELCOME AND INTROS
- APPROVAL OF OBF #56 O&P COMMITTEE MEETING NOTES
- FORUM REPORTS
- INTERIM ACTIVITY REPORTS
- PROCESS IMPROVEMENT TEAM LIAISON REPORT
- DISCUSSION OF DIRECTORY AD HOC SUBCOMMITTEE READOUT
- DISCUSSION OF EDI ACTIVITIES
- SETTING TIMELINES
- DISCUSSION OF ISSUES*

- * PRIORITIZATION OF ISSUES TO BE DETERMINED AT INTERIM MEETING IN SAN FRANCISCO

ISSUES IN INITIAL CLOSURE

- 1237 LOCAL SERVICE PRIVATE LINE/MULTIPOINT PRIVATE LINE
- 1238 INTRALATA FRAME RELAY
- 1239 ORDERING REQUIREMENTS FOR ISDN PRI LINE AND ISDN PORTS
- 1240 ORDERING REQUIREMENTS FOR ISDN BRI LINE RESALE
- 1249 NATIONAL CONTACT INFORMATION (DIR AD HOC)
- 1262 CLARIFICATION OF RTR AND SUP FIELDS FOR ISSUE 881
- 1263 FRAME RELAY VIRTUAL CIRCUIT ACTIVITY CODE CHANGE
- 1274 CHANGE ICSC FIELD NAME TO SC
- 1276 DIRECTORY INFORMATION
- 1277 UNBUNDLED SWITCHED ELEMENTS NEED TO INCLUDE BOTH LINE AND TRUNK PORTS
- 1290 ORDERING REQUIREMENTS FOR LONG TERM NUMBER PORTABILITY
- 1320 RELAY RACK FIELD FOR UNBUNDLED PORT
- 1321 LSR CONVERSION AS IS ACTIVITY
- 1322 LSR CONFIRMATION LSP DSGCON FIELD
- 1323 LSOG JACK POSITION/NUMBER
- 1324 RESALE TOLL ACTIVITY AND BLOCKING
- 1325 LSR CONFIRMATION TN (TELEPHONE NUMBER) VALID ENTRIES
- 1326 FEATURE ACTIVITY VALID ENTRY CHANGES/ ADDITIONS
- 1327 LSR CONFIRMATION EC VER
- 1328 LSOG ACCOUNT NUMBER (ATN)
- 1329 COMBINE LOOP AND PORTS AS AN ORDERING OPTION
- 1330 DEVELOP ORDERING REQUIREMENTS FOR SPECIFYING HOW TO ROUTE 0+, 0-, ETC. OVER SPECIFIC TRUNK GROUPS
- 1332 END USER ADDRESS INFORMATION

ISSUES IN INITIAL CLOSURE (CONTINUED)

- 1333 PIC/LPIC VALID ENTRIES
- 1366 LSOG TSP & SAN FIELDS
- 1378 APPOINTMENT TIME INFORMATION REQUIRED
- 1390 CLARIFICATION OF DLR ____ OF ____ FIELD
- 1410 SHORTEN ECCKT FIELD ON THE PORT FORM
- 1411 LSOG FEATURE ACTIVITY

ISSUES IN OPEN STATUS

- 1176 LOCAL EXCHANGE COMPETITION - ORDER PROCESS FLOW
- 1241 ORDERING REQUIREMENTS FOR CENTREX SERVICES RESALE
- 1244 GETO ENTRY FOR "WIRE ONLY" ORDER
- 1246 ORDERING INFORMATION FOR SWITCHED TRUNKS
- 1268 FOC TRANSITION INFORMATION
- 1269 CUSTOMER INFORMATION DATA EXCHANGE FOR LSP CHANGE
- 1272 DELAY NOTIFICATION
- 1273 COMPLETION NOTIFICATION
- 1278 PRE-SERVICE REQUIREMENTS
- 1281 ACTL ASSIGNMENT AND MANAGEMENT PRACTICES
- 1282 LEASED ACTL ASSIGNMENT AND MANAGEMENT PRACTICES
- 1288 INSIDE WIRE BAN, CONTACT AND CONTACT TEL., AND RELATED BILLING ADDRESS INFORMATION
- 1292 NEGOTIATED RATE INDICATOR FOR LOCAL SERVICE
- 1296 ASSIGNMENT CONTROL IN PHYSICAL CO-LOCATION ARRANGEMENTS
- 1297 LSOG INQUIRY CASE NUMBER
- 1298 RJ48X SMART JACK AND SERVICE ACCEPTANCE TESTING
- 1331 DEVELOP ORDERING REQUIREMENTS FOR ORDERING UNBUNDLED TRANSPORT AND TRUNKS BETWEEN THE ILEC CLASS 5 OFFICES (END OFFICES), AND CLASS 4 (TANDEM) OFFICES)
- 1362 PRE-ORDERING INQUIRY & ORDERING REQUIREMENTS FOR DID RESALE

ISSUES IN OPEN STATUS (CONTINUED)

- 1363 TELEPHONE LINE IDENTIFIER (TLI) FIELD
- 1364 HUNT GROUP IDENTIFIER (HUNT ID)
- 1372 ORDERING REQUIREMENTS FOR AN UNBUNDLED ISDN BRI PORT
- 1373 TOS/COS COORDINATION
- 1374 ORDERING REQUIREMENTS FOR WIRELESS INTERCONNECTION SERVICES
- 1377 UNBUNDLING OF SS7 LINK AND PORT
- 1379 WORKING SERVICE ON PREMISE (WSOP) INFORMATION
- 1380 RESALE ORDERING REQUIREMENTS FOR PBX TRUNKS AND DID TRUNKS AND NUMBER BLOCKS
- 1381 ORDERING REQUIREMENTS OF UNBUNDLED LINE INFORMATION DATA BASE (LIDB) ACCESS SERVICE
- 1382 PARTIAL ACCOUNT MIGRATION
- 1383 NOTIFICATION PROCESS
- 1389 PAYPHONE SERVICE IN AN ACCESS ENVIRONMENT
- 1391 ORDERING REQUIREMENTS FOR AN UNBUNDLED NETWORK INTERFACE DEVICE (NID)
- 1412 LOCAL SERVICE REQUEST (LSR) ERROR IDENTIFICATION PROCESS
- 1413 END USER ADDRESS FOR ASOG (TOR)
- 1414 LOCAL SERVICE FORM (TOR)
- 1415 ENHANCED VALID ENTRIES FOR FPIC
- 1417 SPLIT TRANSFER OF CALLS